

United States of America,)
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)
 Plaintiff,) Case No. 4:23-cr-0068-HFS
)
 v.)
)
 Ahmad Rashad Rhodes,)
)
)
 Defendant.)

Having reviewed the record and briefing, I will ADOPT the Report and Recommendation (Doc. 38) and deny the motion to suppress (Doc. 22).

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Moreover, it can hardly be claimed that the arrest caused the written consent to a search. Magistrate Judge Gaddy concluded appropriately that the defendant gave voluntary consent to the search, and defendant does not belabor that issue. It seems doubtful that even if the conduct of the officers was legally excessive, the circumstances here merit capital punishment for this case. There would still be an issue of whether the consent was “sufficiently attenuated” from an unlawful arrest. While clearly not attenuated in timing, the search was attenuated in causation. It was not the "fruit" of any illegality. The Motion to Suppress Evidence (Doc. 22) is hereby DENIED.

/s/ Howard F. Sachs

HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

Dated: November 14, 2023
Kansas City, Missouri